

**House File 2488 - Introduced**

HOUSE FILE 2488  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 579)

**A BILL FOR**

- 1 An Act relating to public records of the Iowa public
- 2 broadcasting board.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.84, Code 2022, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 12. *a.* All records including but not  
4 limited to videos, electronic storage, documents, tapes, or  
5 other information, stored or preserved in any medium, under the  
6 control of the public broadcasting division of the department  
7 of education, shall be considered public records as defined  
8 in section 22.1 and subject to the right of examination  
9 as provided in section 22.2 unless the record is deemed  
10 confidential under the provisions of section 22.7.

11 *b.* The board, administrator, department, or any other  
12 entity on behalf of the state shall not release a public record  
13 identified in paragraph "a" except for requests that specify an  
14 educational, historical, or cultural purpose for the use of the  
15 requested public record.

16 *c.* The board, administrator, department, or any other  
17 entity on behalf of the state shall not release a public record  
18 identified in paragraph "a" for any endorsement, political  
19 purpose, or to generate a profit.

20 *d.* The board, administrator, department, or any other  
21 entity on behalf of the state shall not enforce any copyright,  
22 trademark, or other intellectual property right on a public  
23 record identified in paragraph "a" that is created prior to  
24 December 31, 2009, for requests that specify an educational,  
25 historical, or cultural purpose for use of the requested public  
26 record and shall not be released for any endorsement, political  
27 purpose, or to generate a profit.

28 *e.* Nothing in this subsection shall be interpreted to  
29 violate any marketing, licensing, or other similar agreement  
30 in place as of January 1, 2020, but any public records request  
31 relating to any record identified in paragraph "a" that is  
32 denied by the board, administrator, department, or any other  
33 entity on behalf of the state shall identify the specific  
34 marketing, licensing, or other similar agreement which shall  
35 also be provided to the requestor. A denial of a public

1 records request made pursuant to this subsection shall be a  
2 final agency action pursuant to section 17A.15, and if the  
3 denial of a public records request made pursuant to this  
4 subsection is reversed by a district court, the government body  
5 shall be responsible for costs and reasonable attorney fees.

6 *f.* Nothing in this subsection shall be interpreted to be a  
7 violation of any criminal law enumerated under Title XVI.

8

EXPLANATION

9           The inclusion of this explanation does not constitute agreement with  
10           the explanation's substance by the members of the general assembly.

11       This bill relates to public records of the Iowa public  
12 broadcasting board.

13       The bill provides that all records, videos, electronic  
14 storage, documents, tapes, or other information stored or  
15 preserved in any medium by the Iowa public broadcasting board  
16 (board), administrator of the public broadcasting division  
17 of the department of education (administrator), department  
18 of education (department), or any other entity on behalf of  
19 the state of Iowa shall be public records and subject to  
20 examination unless deemed confidential under Code chapter 22  
21 (Iowa's open records law).

22       The bill provides that the board, administrator, department,  
23 or any other entity on behalf of the state shall not release a  
24 public record except for requests that specify an educational,  
25 historical, or cultural purpose for the use of the requested  
26 public record. The board, administrator, department, or any  
27 other entity on behalf of the state shall not release a public  
28 record for any endorsement, political purpose, or to generate a  
29 profit.

30       The bill provides that the board, administrator, department,  
31 or any other entity on behalf of the state shall not enforce  
32 any copyright, trademark, or other intellectual property right  
33 on a public record that is created prior to December 31, 2009,  
34 for requests that specify an educational, historical, or  
35 cultural purpose for use of the requested public record and

1 shall not be released for any endorsement, political purpose,  
2 or to generate a profit.

3 The bill provides that the bill shall not be interpreted to  
4 violate any marketing, licensing, or other similar agreement  
5 in place as of January 1, 2020, but any public records request  
6 relating to any public record that is denied by the board,  
7 administrator, department, or any other entity on behalf of  
8 the state shall identify the specific marketing, licensing,  
9 or other similar agreement which shall be provided to the  
10 requestor. A denial of a public records request shall be a  
11 final agency action, and if the denial of a public records  
12 request is reversed by a district court, the government body  
13 shall be responsible for costs and reasonable attorney fees.

14 The bill provides that nothing in the bill shall be  
15 interpreted to be a violation of any criminal law enumerated  
16 under Code Title XVI (criminal law and procedure).